

REMARKS

The office action indicates at page 5 that claims 16-19 and 29 would be allowable if placed in independent form. Claim 16 is amended to be in independent form. Claim 17 is dependent on claim 16 and claim 18 is dependent from claim 17. Accordingly, claims 16-18 appear to be allowable.

The office action rejects: claim 27 as anticipated by Ohm et al (U.S. Patent No. 6,174,078); claims 1,2,4-14 and 20-22 as obvious over Cook (U.S. Patent No. 4,891,011) in view of Ohm et al.; claims 23-24 as unpatentable over Cook in view of Ohm et al and Levy (U.S. Patent No. 3,297,862); and claims 15, 25, 26 and 28 as obvious over Cook in view of Ohm et al.

Claim 27 is directed to a wand for illuminating a substrate comprising a first light source and a second ultraviolet radiation source; the first light source capable of emitting visible light and the second source capable of emitting ultraviolet radiation; a first light diffuser and a second diffuser, the first light diffuser to diffuse light from the first light source and the second diffuser to diffuse ultraviolet radiation from the second ultraviolet radiation source; a first and a second control, the first control to activate and deactivate the first light source and the second control to activate and deactivate the second ultraviolet radiation source; and a power source within the wand for powering the first and second light sources.

Claim 27 is rejected as anticipated by Ohm et al and at page 2 of the office action it states Ohm et al. show a second light source (18) capable of emitting black light (column 4, line 30). Column 4, lines 27-31 states that

[i]n use, the elongate light sources emit fluorescent light when energized. Preferably, the elongate light sources each comprise a fluorescent light bulb. Ideally, a first of the elongate light sources 18 emits black light fluorescent light and a second of the elongate light sources 19 emits white light fluorescent light.

Thus, Ohm et al.'s light source 18 emits "black light fluorescent light." Claim 27 has been amended to clarify that the black light is "ultraviolet radiation." Ultraviolet radiation is not visible light. (See the attached definition of light wherein it states "The term light is often extended to adjacent wavelength ranges that the eye cannot detect—to infrared radiation, which has a frequency less than that of visible light, and to ultraviolet radiation and black light, which have a frequency greater than that of visible light.") Ohm et al.'s black light is a fluorescent light

whereby light is generated by fluorescence. Since Ohm et al.'s light does not disclose applicant's ultraviolet radiation source then Ohm et al. does not anticipate claim 27. Claim 27 has been further amended to require a power source within the wand for powering the first and second sources. Ohm et al. does not disclose a power source within his wand structure.

The remaining rejections assert it would have been obvious to modify Cook by providing the wand of Cook with a visible light source so that it can be a dual light source. It is improper to suggest changing Cook's wand to be a dual light source without some teaching or suggestion in the prior art. None of the prior art of record teach or suggest a portable wand with both a visible light source and an ultraviolet radiation source. Without a prior art teaching or suggestion of such dual sources (one of which is ultraviolet radiation) there is no prima facie case of obviousness. Applicant's disclosure is the only teaching or suggestion of a dual source (one of which is ultraviolet). The rejection appears to introduce an improper hindsight attempt to reconstruct applicant's invention from bits and pieces of prior art. Such is clearly improper. Reconsideration of the rejections of claims 1-2, 4-15 and 20-28 is, respectfully, requested.

In view of the above, it is submitted that all of the claims (Nos. 1-2 and 4-29) are in condition for allowance and such action is, respectfully, requested.

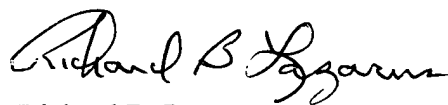
If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

A check for \$100 for one additional independent claim accompanies this amendment.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (35388-94829).

Respectfully submitted,

BARNES & THORNBURG LLP



Richard B. Lazarus

Reg. No. 48,215

Tel. No. (202) 371-6348